

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**ROBERT MILLER,**

**Plaintiff,**

**v.**

**UNIVERSITY OF TEXAS MEDICAL  
BRANCH HOSPITAL, ET AL.,**

**Defendants.**

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**Case No. 6:19-CV-76-JDK-KNM**


**ORDER**

The above-styled and numbered civil action was heretofore referred to United States Magistrate Judge K. Nicole Mitchell. The Magistrate Judge's Report recommends that the Court deny Plaintiff's application for leave to proceed *in forma pauperis* and dismiss the action with prejudice because Plaintiff did not pay the full filing fee and did not show that he faces an imminent threat of serious physical injury. Docket No. 7 at 4. The Report and Recommendation of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the court. It is accordingly

**ORDERED** that Plaintiff's application for leave to proceed *in forma pauperis* is **DENIED** and the above-styled civil action is **DISMISSED WITH PREJUDICE** as to the refiling of another *in forma pauperis* lawsuit raising the same claims as herein presented, but without prejudice to the refiling of this lawsuit without seeking *in forma pauperis* status and upon payment of the statutory filing fee. Should the Plaintiff pay the full filing fee of \$400.00 within 15 days after the date of

entry of final judgment, he shall be allowed to proceed in the lawsuit as though the full fee had been paid from the outset. All motions not previously ruled upon are **DENIED**.

So **ORDERED** and **SIGNED** this **24th** day of **May, 2019**.

  
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JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE